

Accredited Registers

Condition Review - Human Givens Institute (HGI)

January 2022

1. Outcome

- 1.1 We issued the [Human Givens Institute \(HGI\)](#) a three-part Condition of Accreditation following its [2021 annual review](#). The Condition related to its complaints handling procedures. This report sets out our review of how the HGI has addressed the Condition.
- 1.2 Assessment of the Conditions followed the process set out in the Authority's [Annual Review Process Guide](#) (see paragraphs 5.3 to 5.6). The HGI provided its response to the Condition within the timeframe required, and further updated its processes following our initial review.
- 1.3 We found that the HGI met the Condition. We issued a Recommendation to assist the development of its complaints procedures.

2. Background

- 2.1 We assess registers against our [Standards for Accredited Registers](#) (the Standards). Where a Register has not met a Standard, we can issue Conditions. A Condition sets out the requirements and the timeframe for a Register to meet the Standards.
- 2.2 HGI's Condition was issued as part of an annual review against our previous Standards, [Standards for Accredited Registers \(2016\)](#). We refer to those standards throughout this report.
- 2.3 The Condition was:

The HGI must update its complaints handling and disciplinary processes so they provide clarity to the public and registrants. The HGI should provide its updated procedures and guidance to the Accreditation team within three months of the publication of this report.

The updates must include:

 - A. Making it clear that the responsibility for taking action in relation to concerns about registrants lies with the Register, and not the complainant. Making it the responsibility of the HGI rather than the complainant to present cases at disciplinary Panels and hearings.
 - B. Ensuring that there is clear guidance and support for complainants, and that they are aware that the registrant may have legal representation at hearings.
 - C. Ensuring that its guidance on the complaints process uses consistent terminology and is clear about thresholds for when complaints will be escalated to a formal stage. This includes a review of its Urgent Protection Policy and its process for issuing and reviewing Interim Orders.

3. Concerns leading to the Condition

- 3.1 At the HGI's 2021 review, we assessed how the HGI had fulfilled earlier Conditions regarding their [Complaints procedure](#). This included work to ensure compliance with the Human Rights Act 1998 and the Equalities Act 2010, the inclusion of mediation, and the requirement for formal processes to result in hearings attended by all parties.
- 3.2 We identified the following remaining issues, which led to the issuing of the new Condition:
- complainants would be required to present their own case at a hearing. We agreed with the HGI's position that complainants should have a voice within complaints processes. We however made clear that the HGI should be responsible for prosecuting a case to manage the imbalance of power between the complainant and the registrant/their legal representation
 - the HGI's complaints procedures and guidance were unclear or inconsistent regarding its triage process, rights to legal representation, and processes for interim orders

4. Assessment of Part A of the Condition

- 4.1 Concerns about HGI registrants may be resolved through mediation, or where more serious, through formal hearings that may result in sanctions, or removal from the register.
- 4.2 We had concerns about the hearing procedure. The HGI had required complainants to present their complaint to the HGI Hearing Panel ('the Panel') and to question the registrant (by directing questions to the Chair of the Panel).
- 4.3 We stated that placing responsibility on the complainant to present their case against a registrant was inappropriate, especially when investigating serious concerns. We considered that it is the register's responsibility to thoroughly investigate concerns where a registrant may be in breach of its standards.
- 4.4 In response to the Condition, the HGI published updated procedures. These made clear that the HGI's Case Presentation Officer (CPO) will outline the circumstances of all complaints. The CPO will act as the representative of the HGI, 'owning' the process and ensuring that relevant facts are presented and considered. This responsibility is no longer placed on the complainant.
- 4.5 This addressed, we checked the complaints procedure for assurance of HGI's 'ownership' throughout. We identified a risk that when a concern was found suitable for mediation, a dissatisfied party could force the HGI to initiate its formal procedure and hold a complaints hearing. We noted this was mitigated by the HGI's development of tools to allocate a complaint appropriately, or to close the complaints process (see Part C).
- 4.6 The HGI confirmed that all complaints accepted under the formal procedure will have a 'case to answer' determination made. The HGI will check for 'sufficient objective material that provides the realistic prospect of a breach of the Codes being proved'. If there is no case to answer, the complaint will be closed. All case to answer determinations will be made by the Panel members appointed to the complaint.

4.7 We found that Part A of the Condition has been met.

5. Assessment of Part B of the Condition

5.1 We checked that the HGI provided appropriate information and support to complainants, who may be vulnerable, throughout the complaints process. As part of this, we checked that the complainants attending hearings would understand that registrants may bring their legal representation.

5.2 The HGI provides complainants with written guidance and a single point of contact at the HGI. It also conducts regular risk assessments to ensure appropriate support is provided. Registrants are provided similar written guidance and advised to contact their supervisor or another registrant for support. Each party may bring a support person or adviser to a hearing, who may speak on their behalf.

5.3 The HGI's *Guidance to Complainants* now makes clear that the registrant complained about is entitled to have their legal representative speak on their behalf.

5.4 We found that Part B of the Condition has been met.

6. Assessment of Part C of the Condition

6.1 We checked that the HGI's complaints procedures used clear language and consistent terms. We found that the information provided had been clarified but considered that the HGI may wish to have its complaints policies independently reviewed for accessibility. As part of this, the HGI could define terms used within the complaints process, which appeared to include some jargon.

6.2 We wanted the HGI to make clear how it determined whether concerns were appropriate to manage through mediation or should be heard at formal hearings. The HGI developed its *Complaint Assessment and Progression Matrix (CAPM)* to address this. The CAPM uses a scoring system to help determine the appropriate route and makes clear which types of complaint cannot be considered by mediation, for example an alleged abuse of trust.

6.3 The HGI's Urgent Protection Policy allows it to act if it determines that a registrant poses a risk to patient or public safety, by restricting their practice through an interim sanction whilst the investigation process continues. We had previously been concerned that the policy did not include clear criteria for what instances would give rise to this. The updated procedure sets out clearer examples of what would constitute an immediate risk to the public, such as a 'breach of professional boundaries, manipulative or predatory behaviour, abuse of trust and professional incompetence likely to cause harm to clients'. It is also now clearer that interim suspension orders can be imposed for 30 days and may be extended as necessary, and that registrants have a right of appeal.

6.4 Whilst this is an improvement, HGI we considered that the HGI could better define 'risk to clients'. Doing so would provide great clarity for registrants, whose employment may be affected by interim suspension, and for members of the public.

- 6.5 We noted that the Panel must consider whether to proceed with or dismiss a complaint if the complainant does not wish to appear at a Hearing. We considered that the HGI should clarify on what grounds the HGI may dismiss a complaint.
- 6.6 We found that Part C of the Condition was met, however noted that some areas within the complaints procedures' documentation could be further improved.

7. Conclusion

- 7.1 We found that the Condition had been met. We recognised the HGI had carried out significant work to enhance its complaints processes, such as creating the CAPM tool to assist its decision making.
- 7.2 We identified some areas for the HGI to further enhance its processes and issued the following Recommendation:
Recommendation 1: The HGI should obtain an independent review of its revised complaints guidance to ensure plain English, that it is consistent in terminology, and that the different parts of the process are clearly described and understandable.
- 7.3 The Accreditation team will carry out a review of the effectiveness of HGI's new complaints handling procedures at its next full assessment, by June 2022.
- 7.4 The HGI should inform the team of any complaint hearing to be held before June 2022 that we may observe.